

**EXHIBIT E**

**Second Requests for Production of Documents**

Peter S. Partee, Sr.  
Robert A. Rich  
HUNTON & WILLIAMS LLP  
200 Park Avenue  
New York, New York 10166  
Telephone: (212) 309-1100

*Attorneys for Defendants*

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation  
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

Edward A. Zraick, Jr., individually and as joint  
tenant; Nancy Zraick, individually and as joint  
tenant; Patricia Zraick DeLuca, individually and as  
joint tenant; Karen M. Rich, individually and as  
joint tenant; Estate of Lorraine Zraick; Edward A.  
Zraick, Jr., as personal representative of the Estate  
of Lorraine Zraick; and Patricia Zraick DeLuca, as  
personal representative of the Estate of Lorraine  
Zraick,

Defendants.

Adv. Pro. No. 10-05257 (SMB)

**DEFENDANTS' SECOND REQUESTS FOR PRODUCTION  
OF DOCUMENTS FROM THE TRUSTEE**

Pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure (the “Federal Rules”), made applicable to this adversary proceeding by Rules 7026 and 7034 of the Federal Rules of Bankruptcy Procedure, Edward A. Zraick, Jr., Nancy Zraick, Patricia DeLuca, and Karen Rich (collectively, “Defendants”), by and through their undersigned counsel, hereby demand that Irving H. Picard, as Trustee, produce for inspection and copying all of the documents described herein (collectively, the “Requests”) in accordance with the definitions and instructions set forth below, at the office of Hunton & Williams LLP, Attn: Robert A. Rich, Esq., 200 Park Avenue, 52<sup>nd</sup> Floor, New York, New York 10166, **no later than 5:00 p.m. on March 3, 2017**. These Requests shall be deemed continuing so as to require supplemental responses if such are appropriate under Rule 26(e). Defendants reserve the right to supplement these Requests.

### **DEFINITIONS**

1. All definitions set forth in Local Rule 26.3 of the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York (the “Local Civil Rules”), as made applicable to this adversary proceeding by Local Bankruptcy Rule 7026-1 of the Local Bankruptcy Rules for the Southern District of New York, are incorporated by reference and apply to these Requests.

2. “1Z0020 Account” shall mean BLMIS Account No. 1Z0020.

3. “1Z0020 Transferor Accounts” shall mean all BLMIS or Bernard L. Madoff accounts from which transfers were made into the 1Z0020 Account, or otherwise concerning the “Balance of Principal” calculation for the 1Z0020 Account as stated in Exhibit B of the Complaint.

4. “1Z0037 Account” shall mean BLMIS Account No. 1Z0037.

5. “1Z0037 Transferor Accounts” shall mean all BLMIS or Bernard L. Madoff accounts from which transfers were made into the 1Z0037 Account, or otherwise concerning the “Balance of Principal” calculation for the 1Z0037 Account as stated in Exhibit B of the Complaint.

6. “Accounts” shall mean (a) the 1Z0020 Account; (b) all 1Z0020 Transferor Accounts; (c) the 1Z0037 Account; and (d) all 1Z0037 Transferor Accounts.

7. “Adversary Proceeding” shall mean the above-captioned adversary proceeding, Adv. Pro. No. 10-05257 pending in the Bankruptcy Court.

8. “Bankruptcy Court” shall mean the United States Bankruptcy Court for the Southern District of New York.

9. “BLMIS” shall mean Bernard L. Madoff Investment Securities LLC.

10. “Complaint” shall mean the Amended Complaint filed in the Adversary Proceeding on February 3, 2012 at Docket Number 15.

11. “Including” shall mean including without limitation.

12. “Trustee” or “you” or “your” shall mean Irving H. Picard, as Trustee for the Substantively Consolidated SIPA Liquidation of BLMIS and the Estate of Bernard L. Madoff.

### **INSTRUCTIONS**

1. All provisions and rules of construction set forth in Federal Rules 26 and 34 and Local Civil Rule 26.3 apply to these Requests.

2. If you object to a Request on the grounds of attorney-client privilege or the work-product doctrine, in whole or in part, you shall respond to the remaining part of the Request, state the nature of the privilege or objection that is being claimed, facts sufficient to support your claim of privilege or objection, and, if the privilege is being invoked in connection with a claim or defense covered by state law, indicate the law or rule. Additionally, identify each item of communication, information, or document or part thereof as to which you claim privilege or object as follows:

- a. the date of the document or communication;
- b. the type, title, and subject matter of the document or communication, sufficient to assess whether the assertion of privilege or objection is valid;
- c. the author of the document or person who communicated the information;
- d. the signer of the document (including the entity with which such signatory is affiliated);
- e. the recipients or addressees (including ccs, bccs, and any other person who received the document or a copy thereof at any time) of the document or the

communication (including the entity with which all recipients or addressees are affiliated);

- f. each person now in possession of the original or a copy of the document, information, or communication; and
- g. the number of the Request to which the document, communication, or other information is responsive.

3. If any requested document or thing cannot be produced in full, produce it to the extent possible and indicate what is not being produced, why it cannot be produced, and whatever information, knowledge, or belief you have with respect to the unproduced portion, including the name(s) and address(es) of any person(s) or entity(ies) having knowledge of that portion.

4. Produce every document with the file folder or other container in which it is or was maintained.

5. If any documents that you know of are missing, destroyed or otherwise disposed of, identify such documents and give particular details as to the disposition of each document, the identity of the person last known to have the document in his or her possession or subject to his or her control, and the identity of each person you have reason to believe had knowledge of its contents or received a copy of the document.

6. Any comment, notation, or other marking shall be sufficient to distinguish documents that are otherwise similar in appearance and to make them separate “documents” for purposes of these requests. Likewise, any draft, preliminary form, or superseded version of any document is also to be considered a separate document.

7. In producing documents, you are requested to furnish all documents (including all duplicates, copies or drafts thereof) in your possession, custody or control, or known or available to you, regardless of whether such documents are possessed directly by you or by any present or former agent, trustee, representative, employee, accountant, insurer, consultant,

investigator, bank, or any other person acting or purporting to act on your behalf. In addition, you are requested to produce all responsive documents in your possession, custody, or control irrespective of the capacity in which you believe that you maintain the documents.

8. The masculine form of noun and pronoun shall embrace, and be read and applied as the feminine or neuter, as circumstances may make appropriate.

9. Defined terms may or may not be capitalized or made uppercase; the given definitions apply even if a term in question is not capitalized or made uppercase. No waiver of a definition is implied by the use of a defined term in a non-capitalized or lowercase form.

### **REQUESTS FOR PRODUCTION**

1. All documents and communications concerning securities trading by BLMIS or purported securities trading by BLMIS.

2. All documents and communications concerning BLMIS' purchase of United States Treasury Bills.

Dated: New York, New York  
February 1, 2017

**HUNTON & WILLIAMS LLP**

/s/ Robert A. Rich

Peter S. Partee, Sr.

Robert A. Rich

200 Park Avenue

New York, New York 10166

(212) 309-1000

[ppartee@hunton.com](mailto:ppartee@hunton.com)

[rrich2@hunton.com](mailto:rrich2@hunton.com)

*Attorneys for Defendants*

**CERTIFICATE OF SERVICE**

I hereby certify that on February 1, 2017, I served a true and complete copy of the foregoing, via email and first class mail, on all counsel listed below:

/s/ Robert A. Rich

Maximillian S. Shifrin, Esq.  
Baker & Hostetler LLP  
45 Rockefeller Plaza  
New York, NY 10111  
Email: [mshifrin@bakerlaw.com](mailto:mshifrin@bakerlaw.com)

*Counsel for Plaintiff Irving H.  
Picard, Trustee for the  
Substantively Consolidated SIPA  
Liquidation of BLMIS and the  
Estate of Bernard L. Madoff*